

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|                         |           |                       |
|-------------------------|-----------|-----------------------|
| IN RE: Stephanie Barnes | Debtor(s) | CHAPTER 13            |
| MIDFIRST BANK           | Movant    |                       |
| vs.                     |           |                       |
| Stephanie Barnes        | Debtor    | NO. 24-10276 PMM      |
| Kenneth E. West         | Trustee   | 11 U.S.C. Section 362 |

**MOTION OF MIDFIRST BANK  
FOR RELIEF FROM THE AUTOMATIC STAY  
UNDER SECTION 362**

1. Movant is MIDFIRST BANK.
2. Marlene Barnes is the original mortgagor and the owner of the premises 164 West Albemarle Avenue, Landsdowne, PA 19050, hereinafter referred to as the mortgaged premises. Upon information and belief, Marlene Barnes is deceased. Debtor has an ownership interest in the property per the Debtor's Schedule A.
3. Movant is the holder of a mortgage, original principal amount of \$172,905.00 on the mortgaged premises that was executed by Marlene Barnes on April 01, 2008. The mortgage has been assigned as follows: Assigned to MIDFIRST BANK on April 13, 2023, recorded in Delaware County on May 2, 2023, Instrument Number 2023014583.
4. Kenneth E. West is the Trustee appointed by the Court.
5. The commencement and/or continuation of the mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments were stayed by the filing of a Chapter 13 Petition in Bankruptcy by the Debtor(s).
6. Debtor did not execute Movant's mortgage loan documents as a borrower and is not obligated to make payments under the terms of the loan.

7. Debtor has failed to make the monthly post-petition mortgage payments in the amount of \$1,429.10 for the months of February 2024 through November 2024 plus late charges in the amount of \$32.64 for the months of February 2024 thorough October 2024.

8. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred legal fees and legal costs. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

9. The total amount necessary to reinstate the loan post-petition is \$14,584.76 (plus attorney's fees & costs).

10. Movant is entitled to relief from stay for cause.

11. This motion and the averments contained therein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Stay and permitting Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgage premises. Further, Movant prays that an Order be entered awarding Movant the costs of this suit, reasonable attorney's fees in accordance with the mortgage document and current law together with interest.

/s/ Denise Carlon  
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